



# House of Representatives

General Assembly

**File No. 836**

*January Session, 2001*

Substitute House Bill No. 6687

*House of Representatives, May 31, 2001*

The Committee on Finance, Revenue and Bonding reported through REP. MCDONALD of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING REDUCTION OF MERCURY IN THE ENVIRONMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) The General Assembly finds that mercury is a  
2       persistent and toxic pollutant that bioaccumulates in the environment,  
3       and that in order to create and maintain a healthful environment and  
4       protect public health, the virtual elimination of the discharge of  
5       anthropogenic mercury should be pursued.

6       Sec. 2. (NEW) As used in sections 1 to 17, inclusive, of this act:

7       (1) "Mercury" means elemental mercury and mercury compounds;

8       (2) "Mercury-added product" means a product, commodity,  
9       chemical or component of a product that contains mercury that is  
10      intentionally added to the product, commodity, chemical or  
11      component for any reason. "Mercury-added product" includes, but is

12 not limited to, formulated mercury-added products and fabricated  
13 mercury-added products. "Mercury-added product" does not include  
14 any packaging component, as defined in subdivision (3) of section 22a-  
15 255h of the general statutes;

16 (3) "Formulated mercury-added product" means a mercury-added  
17 product that is sold as a consistent mixture of chemicals, including, but  
18 not limited to, laboratory chemicals, materials used for cleaning,  
19 maintenance or disinfection, cosmetics, pharmaceuticals, coating  
20 materials, acids, alkalites, bleach or sodium hypochlorite,  
21 pharmaceutical products, stains, reagents, preservatives, fixatives,  
22 buffers and dyes;

23 (4) "Fabricated mercury-added product" means a mercury-added  
24 product that consists of a combination of individual components that  
25 combine to make a single unit, including, but not limited to, mercury-  
26 added measuring devices, lamps and switches;

27 (5) "Mercury fever thermometer" means a mercury-added product  
28 that is used for measuring body temperature, excluding a digital  
29 thermometer that includes a button cell battery containing mercury;

30 (6) "Mercury-added novelty" means a mercury-added product  
31 intended mainly for personal or household enjoyment or adornment,  
32 including, but not limited to, products intended for use as practical  
33 jokes, figurines, adornments, toys, games, cards, ornaments, yard  
34 statues and figures, candles, jewelry, holiday decorations or footwear  
35 or other items of apparel. A product is not a "mercury-added novelty"  
36 solely on the basis that it includes a removable button cell battery  
37 containing mercury;

38 (7) "Manufacturer" means any person, that (A) produces a mercury-  
39 added product, or (B) serves as an importer or domestic distributor of  
40 a mercury-added product produced outside the United States. In the  
41 case of a multi-component product, "manufacturer" means the last

42 manufacturer to produce or assemble the product, unless the multi-  
43 component mercury-added product is produced outside the United  
44 States, in which case "manufacturer" means the importer or domestic  
45 distributor;

46 (8) "Person" means any individual, organization, partnership, joint  
47 venture, association, firm, limited liability company, corporation or  
48 other entity, and includes a municipality, the federal government, the  
49 state or any instrumentality of the state, or other governmental entity  
50 and any officer or governing or managing body of any partnership,  
51 association, firm or corporation or any member or manager of a  
52 limited liability company;

53 (9) "School" means a public school, as defined in section 10-183b of  
54 the general statutes or a private elementary or secondary school,  
55 attendance at which meets the requirements of section 10-184 of the  
56 general statutes excluding state vocational schools;

57 (10) "Vehicle" means any device capable of being moved upon a  
58 public highway and any device in, upon or by which any person or  
59 property is or may be transported or drawn upon a public highway,  
60 but does not include devices moved by human or animal power or  
61 used exclusively upon stationary rails or tracks;

62 (11) "Scrap metal" means used or discarded items that consist  
63 predominantly of ferrous metals, aluminum, brass, copper, lead,  
64 chromium, tin, nickel or alloys;

65 (12) "Solid waste" means unwanted or discarded solid, liquid,  
66 semisolid or contained gaseous material, including, but not limited to,  
67 demolition debris, material burned or otherwise processed at a  
68 resources recovery facility or incinerator, material processed at a  
69 recycling facility and sludges or other residue from a water pollution  
70 abatement facility, water supply treatment plant or air pollution  
71 control facility;

72 (13) "Commissioner" means the Commissioner of Environmental  
73 Protection;

74 (14) "Department" means the Department of Environmental  
75 Protection;

76 (15) "Pollution abatement facility" means any equipment, plant,  
77 treatment works, structure, machinery, apparatus or land or any  
78 combination thereof, acquired, used, constructed or operated for the  
79 storage, collection, reduction, recycling, reclamation, disposal,  
80 separation or treatment of water or wastes, or for the final disposal of  
81 residues resulting from the treatment of water or wastes, including,  
82 but not limited to; pumping and ventilating stations, facilities, plants  
83 and works; outfall sewers, interceptor sewers and collector sewers; and  
84 other real or personal property and appurtenances incident to their use  
85 or operation;

86 (16) "Subsurface sewage disposal system" means a system consisting  
87 of a house or collection sewer, a septic tank followed by a leaching  
88 system, any necessary pumps or siphons and any groundwater control  
89 system on which the operation of the leaching system is dependent.

90 Sec. 3. (NEW) The commissioner may participate in the  
91 establishment and implementation of a regional, multi-state  
92 clearinghouse to assist in carrying out the requirements set forth in  
93 sections 1 to 17, inclusive, of this act and to help coordinate reviews of  
94 the manufacturers' notifications regarding mercury-added products,  
95 applications for phase-out exemptions, collection system plans,  
96 disclosures of mercury content, applications for alternative labeling or  
97 notification systems or both, education and outreach activities, and any  
98 other functions related to sections 1 to 17, inclusive, of this act. The  
99 clearinghouse may also maintain a list of all products containing  
100 mercury, including mercury-added products, a file on all exemptions  
101 granted by the states including, but not limited to, the exemptions in  
102 section 7 of this act, notification requirements by manufacturers

103 including, but not limited to, the notification requirements contained  
104 in section 4 of this act, and a file of manufacturers' reports on the  
105 effectiveness of their collection systems.

106       Sec. 4. (NEW) (a) On and after January 1, 2002, no person shall offer  
107 any mercury-added product for sale or use by any means, including e-  
108 commerce, or distribute for promotional purposes in the state unless  
109 the manufacturer gives prior notification in writing to the  
110 commissioner as provided in this section. Such notification, in a form  
111 prescribed by the commissioner, shall at a minimum include (1) a brief  
112 description of the product or category of products to be offered for sale  
113 or use or distributed; (2) an identification of each product by its  
114 mercury content in one of the following ranges: Less than zero to five  
115 milligrams, greater than five milligrams to ten milligrams, greater than  
116 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
117 hundred milligrams, greater than one hundred milligrams to one  
118 thousand milligrams and greater than one thousand milligrams; (3) an  
119 identification of the purpose for mercury in each component of the  
120 product; and (4) the name and address of the manufacturer and the  
121 name, address and phone number of a contact person at the  
122 manufacturer. The manufacturer shall revise the information in the  
123 notification whenever there is significant change in the information or  
124 when requested by the commissioner.

125       (b) With the approval of the commissioner, the manufacturer may  
126 supply the information required in subdivisions (1) to (4), inclusive, of  
127 subsection (a) of this section for a product category rather than an  
128 individual product.

129       (c) Public disclosure of confidential business information submitted  
130 to the commissioner pursuant to this section shall be governed by the  
131 provisions of chapter 14 of the general statutes. Notwithstanding the  
132 provisions of said chapter 14, the commissioner may provide the  
133 interstate clearinghouse with copies of such information and the

134 commissioner and the interstate clearinghouse may compile or publish  
135 analyses or summaries of such information, provided the analyses or  
136 summaries do not identify any manufacturer or reveal any confidential  
137 information.

138       Sec. 5. (NEW) (a) Notwithstanding the provisions of section 6 of this  
139 act, on and after July 1, 2002, no person shall offer for sale or use by  
140 any means, including e-commerce, or distribute for promotional  
141 purposes in the state any mercury-added novelty. A manufacturer that  
142 produces or sells mercury-added novelties shall notify retailers that  
143 sell mercury-added novelties about such product ban and inform such  
144 retailers of how to dispose of the remaining inventory in accordance  
145 with chapter 445 of the general statutes.

146       (b) Notwithstanding the provisions of section 6 of this act, on and  
147 after January 1, 2002, no person shall offer for sale or use by any  
148 means, including e-commerce, or distribute for promotional purposes  
149 mercury fever thermometers except by prescription written by a  
150 physician. A manufacturer of mercury fever thermometers shall  
151 provide the buyer or the recipient with notice of mercury content,  
152 instructions on proper disposal and instructions that clearly describe  
153 how to carefully handle the thermometer to avoid breakage and  
154 instructions on proper cleanup should a breakage occur.

155       (c) On and after July 1, 2002, no school shall use or purchase for use  
156 or maintain inventories of bulk elemental mercury or mercury  
157 compounds. A manufacturer that produces, sells or distributes such  
158 materials shall notify schools about the provisions of this subsection in  
159 accordance with chapter 445 of the general statutes and instruct  
160 schools how to dispose of the remaining inventory properly. This  
161 subsection does not apply to mercury-added products other than bulk  
162 elemental mercury compounds. The Commissioner of Environmental  
163 Protection, in consultation with the Commissioner of Education, shall  
164 implement a program for the collection of bulk elemental mercury or

165 mercury compounds at schools.

166 (d) The provisions of this section shall not apply to a vocational  
167 dental education or training school, except that on and after July 1,  
168 2002, no vocational dental education or training school shall use  
169 mercury amalgam unless such school has developed and implemented  
170 a plan approved by the commissioner that assures best management  
171 practices are used to prevent discharge of mercury into the waters of  
172 the state, any pollution abatement facility or subsurface sewage  
173 disposal system, and to properly handle and recycle or dispose of  
174 waste elemental mercury and amalgam. Such plan shall provide for an  
175 education program for students regarding the hazards of mercury and  
176 best management practices.

177 (e) Notwithstanding the provisions of section 6 of this act, on and  
178 after July 1, 2002, no person shall offer for sale or use by any means,  
179 including e-commerce, or distribute for promotional purposes mercury  
180 dairy manometers. A manufacturer that produce or sell mercury dairy  
181 manometers shall notify retailers about the provisions of this  
182 subsection and how to dispose of the remaining inventory properly in  
183 accordance with chapter 445 of the general statutes. The Commissioner  
184 of Environmental Protection, in consultation with the Commissioner of  
185 Agriculture, shall examine the feasibility of implementing a collection  
186 and replacement program for dairy manometers, and shall implement  
187 such a program within available appropriations.

188 Sec. 6. (NEW) (a) Except as provided in section 7 of this act, no  
189 person shall offer for sale or use by any means, including e-commerce,  
190 or distribute for promotional purposes any mercury-added product if:  
191 (1) After July 1, 2003, the mercury content of the product exceeds one  
192 gram in the case of fabricated mercury-added products or two  
193 hundred fifty parts per million in the case of formulated mercury-  
194 added products; (2) on and after July 1, 2005, the mercury content of  
195 the product exceeds one hundred milligrams in the case of fabricated

196 mercury-added products or fifty parts per million in the case of  
197 formulated mercury-added products; and (3) after July 1, 2007, the  
198 mercury content of the product exceeds ten milligrams in the case of  
199 fabricated mercury-added products or ten parts per million in the case  
200 of formulated mercury-added products.

201 (b) In the case of a product that contains one or more mercury-  
202 added products as a component, the phase-out limits specified in  
203 subsection (a) of this section apply to each component part or parts  
204 and not to the entire product.

205 (c) For a product that contains more than one mercury-added  
206 products as a component, the phase-out limits specified in subsection  
207 (a) of this section apply to each component and not the sum of the  
208 mercury and all the components.

209 Sec. 7. (NEW) (a) On or before June 30, 2008, fluorescent lamps are  
210 exempt from the provisions of subsection (a) of section 6 of this act. On  
211 and after July 1, 2009, no person shall offer for sale or use by any  
212 means, including e-commerce, or distribute for promotional purposes,  
213 fluorescent lamps if the mercury content of the fluorescent lamps (1)  
214 exceeds ten milligrams, or (2) does not comply with the exemption  
215 requirements pursuant to subsection (a) of section 6 of this act.

216 (b) The commissioner shall exempt a mercury-added product from  
217 the limits on total mercury content set forth in subsection (a) of section  
218 6 of this act if the level of mercury or mercury compounds contained in  
219 the product are necessary to comply with federal or state health or  
220 safety requirements. In order to obtain an exemption under this  
221 subsection, the manufacturer shall provide the commissioner with  
222 justification for the claim of such exemption.

223 (c) (1) A manufacturer of a mercury-added product or category of  
224 products may apply to the commissioner for an exemption for no more  
225 than two years from the limits on total mercury content set forth in



226 subsection (a) of section 6 of this act. The manufacturer shall apply for  
227 such an exemption (A) no later than one year before the effective date  
228 of the limit for which the exemption is being requested in the case of  
229 an existing product or category of products, or (B) prior to the sale or  
230 use by any means, including e-commerce, or distribution in the case of  
231 promotional purposes of a new product or category of products.

232 (2) An application for an exemption shall (A) document the basis for  
233 the requested exemption or renewal of exemption, (B) describe how  
234 the manufacturer will ensure that a system exists for the proper  
235 collection, transportation and processing of the product or products at  
236 the end of their useful life, and (C) document the capability of all  
237 parties that are necessary to such system to perform as intended in  
238 such system.

239 (3) The commissioner may grant, with modifications or conditions,  
240 an exemption for a product or category of products upon finding (A)  
241 that a system exists for the proper collection, transportation and  
242 processing of the mercury-added product, including, but not limited  
243 to, a system for the direct return of a waste product to the  
244 manufacturer or a collection and recycling system that is supported by  
245 an industry or trade group, or other similar private or public sector  
246 efforts; and (B) that each of the following criteria is met: (i) Use of the  
247 product is beneficial to the environment or protective of public health  
248 or protective of public safety; (ii) there is no technically feasible  
249 alternative to use of mercury in the product; (iii) there is no  
250 comparable product, other than a mercury-added product, available at  
251 reasonable cost; and (iv) with respect to a renewal of an exemption,  
252 reasonable efforts have been made to remove mercury from the  
253 product.

254 (4) Prior to issuing an exemption, the commissioner may consult  
255 with states and provinces and regional governmental organizations to  
256 promote consistency in the implementation of this section.

257       (5) The commissioner may renew, for a period of no longer than two  
258 years, an exemption one or more times if (A) the manufacturer applies  
259 for the renewal, and (B) the commissioner finds that the manufacturer  
260 meets the requirements for such exemption as provided in this section  
261 and that the manufacturer has complied with all the conditions of the  
262 original approval.

263       Sec. 8. (NEW) (a) On and after July 1, 2003, no person shall offer for  
264 sale or use by any means, including e-commerce, or distribute for  
265 promotional purposes any mercury-added product unless both the  
266 product and its packaging are labeled in accordance with this section,  
267 any regulations adopted pursuant to this section or the terms of any  
268 approved alternative labeling or notification granted under subsection  
269 (h) of this section. A retailer shall not be found in violation of this  
270 subsection if the retailer lacked knowledge that the product contained  
271 mercury.

272       (b) If a mercury-added product is a component of another product,  
273 the product containing the component and the component shall both  
274 be labeled as provided in this section. The label on a product  
275 containing a mercury-added component shall identify the component  
276 with sufficient detail so that the component may be readily located for  
277 removal.

278       (c) All labels shall be clearly visible prior to sale and shall inform the  
279 purchaser, using words or symbols, that mercury is present in the  
280 product and that the product should not be disposed of or placed in a  
281 waste stream destined for disposal until the mercury is removed and  
282 reused, recycled or otherwise managed to ensure that the mercury in  
283 the product does not become mixed with other solid waste or  
284 discharge to the waters of the state or is not disposed of in a pollution  
285 abatement facility or subsurface sewage disposal system.

286       (d) Labels affixed to the product shall be constructed of materials  
287 that are sufficiently durable to remain legible for the useful life of the

288 product.

289 (e) On and after July 1, 2003, any person offering a mercury-added  
290 product for sale or use by any means, including e-commerce, or  
291 distributing such product for promotional purposes shall clearly  
292 advise in writing the purchaser or recipient prior to the time of sale,  
293 use or distribution that the product contains mercury. This  
294 requirement applies to all transactions in which the purchaser or  
295 recipient is unable to view the labels on the package or the product  
296 prior to purchase or receipt, including, but not limited to, catalog,  
297 telephone and e-commerce transactions.

298 (f) The manufacturer of a product shall be responsible for product  
299 and package labels required under this section, unless the wholesaler  
300 or retailer agrees in writing to accept the responsibility of  
301 implementing an alternative to the labeling requirements of this  
302 section approved under subsection (h) of this section.

303 (g) (1) Manufacturers shall meet all the requirements of this section  
304 for large appliances, including, but not limited to, washers, dryers,  
305 ovens, including microwave ovens, refrigerators, freezers, trash  
306 compactors, air conditioners, dehumidifiers or portable heaters sold in  
307 a store where such appliance is on display, except that no package  
308 labeling is required; (2) manufacturers shall meet all the requirements  
309 of this section for mercury fever thermometers, except that no product  
310 labeling is required; (3) in the case of vehicles, (A) manufacturers shall  
311 meet the product labeling requirements of this section for vehicles by  
312 placing a label on the door of the vehicles that lists the mercury-added  
313 components that may be present in the vehicle, and (B) manufacturers  
314 need not label the mercury-added components of the vehicle; (4)  
315 manufacturers of button cell batteries containing mercury shall be  
316 exempt from this section; (5) in the case of products that contain button  
317 cell batteries containing mercury as the only mercury components,  
318 manufacturers of such products shall be exempt from this section; (6)

319 manufacturers of nonprescription drug products that are regulated by  
320 the federal Food and Drug Administration shall be exempt from this  
321 section; and (7) manufacturers of dental amalgam shall follow the best  
322 management practices guidelines for manufacturers developed by the  
323 commissioner pursuant to section 14 of this act.

324 (h) (1) A manufacturer may apply to the Commissioner of  
325 Environmental Protection for an alternative to the requirements of  
326 subsections (a) to (g), inclusive, of this section if: (A) Compliance with  
327 the requirements is not feasible, or (B) the proposed alternative would  
328 be at least as effective in providing presale notification of mercury  
329 content and in providing instructions on proper disposal.

330 (2) Applications for an alternative to the requirements of  
331 subsections (a) to (g), inclusive, of this section shall: (A) Document the  
332 justification for the requested alternative; (B) describe how the  
333 alternative ensures that purchasers or recipients of mercury-added  
334 products are made aware of mercury content prior to purchase or  
335 receipt; (C) describe how a person discarding the product will be made  
336 aware of the need for proper handling to ensure that it does not  
337 become solid waste or is not discharged to the waters of the state or is  
338 not disposed in a pollution abatement facility or subsurface sewage  
339 disposal system; (D) document the capability of all parties necessary to  
340 implement the proposed alternative; and (E) describe the performance  
341 measures to be utilized by the manufacturer to demonstrate that the  
342 alternative is providing effective presale notification and predisposal  
343 notification.

344 (3) The commissioner may approve, deny, modify or condition a  
345 request for an alternative to the requirements of subsections (a) to (g),  
346 inclusive, of this section. An approval shall be for a period of no more  
347 than two years and may, upon continued eligibility under the criteria  
348 of this section and compliance with the conditions of its prior  
349 approval, be renewed. Requests for renewals shall be submitted ninety

350 days before the expiration of the approval. Prior to approving an  
351 alternative, the commissioner shall consult with states, provinces and  
352 regional government organizations to insure that the manufacturer's  
353 labeling requirements are not in conflict with those of other  
354 jurisdictions in the region. The commissioner may revoke an approval  
355 for cause.

356       Sec. 9. (NEW) (a) On and after July 1, 2003, no person shall  
357 knowingly (1) dispose of a mercury-added product or a mercury-  
358 added component in a manner other than by recycling or disposal in  
359 accordance with the provisions of chapter 446d or 446k of the general  
360 statutes or Subtitle C of the Resource Conservation and Recovery Act  
361 of 1976, 42 USC 6901 et seq., as amended, or (2) discharge mercury to  
362 the waters of the state, a pollution abatement facility or subsurface  
363 sewage disposal system, unless such discharge is in compliance with  
364 all local, state and federal applicable requirements.

365       (b) Each permittee of a solid waste facility shall (1) post signs at the  
366 facility providing notice of the prohibition of the disposal and  
367 incineration of mercury-added products; (2) provide written  
368 notification either in contractual agreements or to the municipalities  
369 serviced by the facility on a frequency determined by the  
370 commissioner of the prohibition on the disposal and incineration of  
371 mercury-added products; and (3) implement a plan approved by the  
372 commissioner for periodically monitoring incoming wastes to detect  
373 the presence of mercury-added products at the facility. A solid waste  
374 facility shall not be considered in violation of this act if it unknowingly  
375 receives a mercury-added product or mercury-added component.

376       (c) Solid waste disposal facilities, scrap metal processors or  
377 businesses that accept appliances or vehicles for disposal, reclamation  
378 or recycling shall remove mercury-added components, except for  
379 lamps used for back lighting and displays, prior to crushing,  
380 shredding or processing for disposal or reuse.

381 (d) A formulated mercury-added product that is a cosmetic or  
382 pharmaceutical product subject to the requirements imposed by the  
383 federal Food and Drug Administration is exempt from the provisions  
384 of this section.

385 Sec. 10. (NEW) (a) On and after two years after the date that the  
386 commissioner adopts a universal waste rule in accordance with the  
387 Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq.,  
388 as amended, no person shall offer any mercury-added product for sale  
389 or use by any means, including e-commerce, or distribute for  
390 promotional purposes unless the manufacturer either on its own or in  
391 concert with other persons has a plan approved by the commissioner  
392 for a collection system for such products. If a mercury-added product  
393 is a component of another product, the collection system shall provide  
394 for removal and collection of the mercury-added component or  
395 collection of both the mercury-added component and the product  
396 containing it.

397 (b) The collection system shall include (1) a public education  
398 program to inform the public about the purpose of the collection  
399 program and how to participate in it; (2) capture rate targets for the  
400 mercury-added product or component; (3) a plan for implementing  
401 and financing the collection system; (4) documentation of the  
402 willingness of all parties to the system to implement the proposed  
403 collection system; (5) a description of the performance measures to be  
404 utilized and reported by the manufacturer to demonstrate that the  
405 collection system is meeting capture rate targets and other measures of  
406 program effectiveness as required by the commissioner; (6) a  
407 description of additional or alternative actions that will be  
408 implemented to improve the collection system and its operation in the  
409 event that the capture rate targets are not met; and (7) a recycling or  
410 disposal plan.

411 (c) The commissioner shall encourage a manufacturer, in

412 developing a collection system plan, to utilize or expand existing  
413 collection and recycling infrastructure where feasible and cost-  
414 effective. In the event the manufacturer decides not to utilize existing  
415 local collection and recycling infrastructure, the manufacturer shall  
416 include in its collection system plan the reasons for its decision to  
417 establish a separate collection system.

418 (d) Within one year of approval by the commissioner of the  
419 collection system plan, the manufacturer or entity that submitted the  
420 plan on behalf of the manufacturer shall complete the implementation  
421 of such plan.

422 (e) Two years following the implementation of the collection system  
423 plan required under this section and biennially thereafter, the  
424 manufacturer or entity that submitted the plan on behalf of the  
425 manufacturer shall submit a report to the commissioner on the  
426 effectiveness of the collection system. The report shall include an  
427 estimate of the amount of mercury that was collected, the capture rate  
428 for the mercury-added products or components, the results of the  
429 other performance measures included in the manufacturer's collection  
430 system plan, and such other information as the commissioner may  
431 require. The commissioner shall make such reports available to the  
432 public.

433 (f) The cost for the collection system shall be borne by the  
434 manufacturer of the mercury-added product.

435 (g) The commissioner shall review the state regulatory requirements  
436 pursuant to chapter 446d or 446k of the general statutes governing  
437 handling of waste from mercury-added products and, if necessary,  
438 may amend regulations as appropriate to facilitate collection.

439 (h) Formulated mercury-added products intended to be totally  
440 consumed in use, including, but not limited to, reagents, cosmetics,  
441 pharmaceuticals and other laboratory chemicals, are exempt from the

442 provisions of this section.

443       Sec. 11. (NEW) (a) On and after July 1, 2002, a manufacturer of  
444 formulated products that contain mercury-added products or  
445 mercury-added compounds, and are offered for sale or use by any  
446 means, including e-commerce, or distributed to a health care facility  
447 for promotional purposes shall provide the recipient health care  
448 facility a certificate of analysis documenting the range of mercury  
449 content of the product. Sampling and analytical techniques used in the  
450 analysis shall be capable of detecting mercury to limits of one part per  
451 billion or less.

452       (b) The manufacturer shall develop and implement a plan to assure  
453 that the certificate of analysis accurately represents the mercury in a  
454 formulated product. Such plan shall, at a minimum, include an annual  
455 analysis of the formulated product.

456       (c) The manufacturer, upon request of the commissioner, shall  
457 provide to the commissioner copies of certificates of analysis for the  
458 purposes of assessing compliance with this section.

459       Sec. 12. (NEW) No person shall offer for sale or use by any means,  
460 including e-commerce, or distribute for promotional purposes or  
461 provide elemental mercury without providing a Material Safety Data  
462 Sheet, as defined in 42 USC 11049. On and after July 1, 2002, the seller,  
463 distributor or provider shall require the purchaser or recipient at the  
464 time of receipt of any elemental mercury to sign a statement that the  
465 purchaser or recipient (1) will use the mercury only for medical, dental  
466 amalgam dispose-caps, research or manufacturing purposes; (2)  
467 understands that mercury is toxic and that the purchaser will store and  
468 use it appropriately so that no person is exposed to the mercury; and  
469 (3) will not place or allow anyone under the control of the purchaser or  
470 recipient to cause the mercury to become solid waste or be discharged  
471 into waters of the state or be disposed of in a pollution abatement  
472 facility or subsurface sewage disposal system.



473       Sec. 13. (NEW) Mercury-added products with a code or date of  
474 manufacture indicating they were manufactured prior to July 1, 2001,  
475 or mercury-added products for which the manufacturer provides  
476 documentation that the product was manufactured prior to July 1,  
477 2001, are exempt from sections 6 to 8, inclusive, of this act and sections  
478 10 and 12 of this act.

479       Sec. 14. (NEW) (a) The commissioner, in consultation with other  
480 state agencies, may implement a comprehensive program for public  
481 education, outreach and assistance for manufacturers, households,  
482 waste generators, local and regional solid waste management agencies,  
483 businesses, health care facilities, scrap metal processors, recyclers,  
484 dismantlers, institutions, schools and other interested groups. This  
485 public education, outreach and assistance program may focus on the  
486 hazards of mercury; the requirements and obligations of individuals,  
487 manufacturers and agencies under this act and voluntary efforts that  
488 individuals, institutions and businesses can undertake to help further  
489 reduce mercury in the environment. The commissioner, in conjunction  
490 with manufacturers of mercury-added products and other affected  
491 businesses, may promote the development and implementation of  
492 such public education and technical assistance programs.

493       (b) The commissioner may cooperate with other states and  
494 provinces and regional organizations in developing public education,  
495 outreach and assistance programs.

496       (c) The commissioner may develop an awards program to recognize  
497 the accomplishments of manufacturers, municipalities, waste  
498 management facilities, waste recycling facilities, household hazardous  
499 waste collection facilities, citizens or others who exceed the minimum  
500 requirements pursuant to sections 4 to 13, inclusive, of this act, and  
501 excel at reducing or eliminating mercury in air emissions or releases.

502       (d) The commissioner shall prepare and publish guidelines for best  
503 management practices for dental offices and laboratories. Such

504 guidelines shall not be considered "regulations" as defined in section 4-  
505 166 of the general statutes.

506       Sec. 15. (NEW) (a) No later than July 1, 2002, the Department of  
507 Administrative Services shall revise its policies, rules and procedures  
508 to give priority and preference to the purchase of equipment, supplies  
509 and other products that contain no mercury-added compounds or  
510 components, unless there is no economically feasible alternative  
511 product, other than a mercury-added product that performs a similar  
512 function or produces a product of comparable quality. In  
513 circumstances where a product other than a mercury-added product is  
514 not available, preference shall be given to the purchase of products  
515 that contain the least amount of mercury added to the product  
516 necessary for the required performance.

517       (b) The Commissioner of Administrative Services may give a price  
518 preference of up to ten per cent for products that contain no mercury  
519 or less mercury for all state purchases, including purchases made by  
520 other state agencies with state funds. Energy efficient lamps for  
521 lighting purposes shall be purchased in preference to other less  
522 efficient lighting options. To the maximum extent possible, purchases  
523 shall be restricted to lamps that contain the lowest total mercury  
524 content per lumen hour available. The state shall, to the maximum  
525 extent feasible, recycle spent lamps.

526       (c) The Commissioner of Administrative Services shall specify  
527 products other than mercury-added products or reduced mercury-  
528 added products, as applicable, in procurement bid documents.

529       (d) State contracts for employee dental insurance negotiated after  
530 the effective date of this section shall provide equal coverage for  
531 fillings other than mercury-added fillings and mercury amalgam  
532 fillings at no additional expense to the state employee.

533       Sec. 16. (NEW) The commissioner shall, in consultation with the

534 Conference of the New England Governors/Eastern Canadian  
535 Premiers Environment Committee, review the effectiveness of sections  
536 1 to 17, inclusive, of this act, no later than four years after the effective  
537 date of this act and shall provide a report based upon such review to  
538 the Governor and the General Assembly. The report shall review the  
539 effectiveness of the programs required under sections 1 to 17,  
540 inclusive, of this act, and may contain recommendations for improving  
541 them. As part of this review, the commissioner shall evaluate the  
542 effectiveness of the collection systems established in section 10 of this  
543 act, and determine whether additional state authority or targeted  
544 capture rates are needed to improve such systems. The commissioner  
545 shall evaluate the need for additional incentives for manufacturers of  
546 mercury-added products that are below ten milligrams to reduce the  
547 amount of mercury in such products.

548       Sec. 17. (NEW) Prior to the issuance of any exemptions as provided  
549 in section 7 of this act or approval of alternative labeling requirements,  
550 as provided in section 8 of this act, the manufacturer shall provide  
551 public notice of a request for an exemption on a form supplied by the  
552 commissioner in accordance with this section, publish notice of such  
553 request in a newspaper having a general circulation in the affected area  
554 and send the commissioner a certified copy of such notice as it  
555 appeared in said newspaper and the commissioner shall provide an  
556 opportunity for comment not less than thirty days from such issuance  
557 or approval.

558       Sec. 18. This act shall take effect July 1, 2001.

**FIN**           *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** See Explanation Below

**Affected Agencies:** Departments of Environmental Protection, Administrative Services, Education, Agriculture, Office of the State Comptroller

**Municipal Impact:** None

**Explanation****State Impact:**

Additional new activities concerning reducing mercury in the environment will be required of the Department of Environmental Protection (DEP) due to the passage of the bill. Ongoing administrative costs, starting in FY 03 for processing notifications, processing exemptions and renewals from phase-out requirements from manufacturers, requests for alternative labeling requirements, and the review of collection system plans are anticipated to cost approximately \$15,000 - \$25,000 or divert  $\frac{1}{4}$  to  $\frac{1}{2}$  of a technician from current duties. In addition, there would be one-time costs of approximately \$10,000 or staff diverted from current duties for approximately 2 to 3 months for studies and plan review/approvals. The studies, including one on school collection of mercury, with the Department of Education, and one on dairy manometers with the Department of Agriculture (DEP already has information), are not

anticipated to be time consuming.

Costs would be incurred for public education and outreach activities by the DEP concerning mercury reduction. A minimal program could be accomplished at a cost of approximately \$25,000. Additional activities would increase costs. The DEP has already developed a Best Management Practices for dental offices.

It is anticipated that the establishment of the Multi-Interstate Clearinghouse would reduce the operating costs of the program to the DEP when additional states participate in the program.

It is anticipated that the DEP would need to divert resources of  $\frac{1}{4}$  man-year or would require \$25,000 to \$50,000 in additional funds to amend regulations on the handling of mercury wastes. Since this provision is discretionary, it is anticipated that the additional work would only be undertaken when resources permit.

This bill results in potential costs to the Department of Administrative Services (DAS) that cannot be determined at this time. The bill requires the DAS to revise its purchasing policies to minimize the amount of mercury contained in products bought by the state. It allows the DAS to give a price preference of up to 10% for low mercury products. At this time the DAS does not have a listing of the products bought by the state that contain mercury, and therefore does not have an indication of the cost of mercury-free to reduced mercury alternatives. The department already has established and operates an Environmentally Preferable Purchasing program, and this unit would develop contracts to minimize mercury in the purchase of state products. The department would utilize the multiple criteria purchasing process for the purchase of such products.

The bill requires that local and regional school districts shall not use or purchase for use or maintain inventories of bulk elemental mercury or mercury compounds on and after July 1, 2002. The bill also requires

that the DEP commissioner, in consultation with the Commissioner of Education, implement a program for the collection of the mercury. This program will result in an indeterminate cost. The cost is indeterminate as the number of districts that currently maintain inventories are unknown. The DEP estimates that disposal costs would be less than \$1,500 a school. There are a thousand schools in the state. At the current time, no state funding is provided for this program.

The bill is also anticipated to result in a future annual cost of approximately \$300,000 in the state employee and retiree health service cost accounts. The bill requires state contracts for employee dental insurance negotiated after 7/1/01 to provide equal coverage for mercury-free fillings at no additional cost to the employee. It is anticipated that the cost would be incurred in FY 04 when the state is expected to enter into new health insurance contracts.

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**OLR Amended Bill Analysis***sHB 6687***AN ACT CONCERNING REDUCTION OF MERCURY IN THE ENVIRONMENT.****SUMMARY:**

In this bill, the legislature finds that mercury is a persistent and toxic pollutant that accumulates through biological processes in the environment and that discharges of manmade mercury should be virtually eliminated to create and maintain a healthy environment and protect public health.

The bill establishes a comprehensive regime governing the sales, use, and disposal of a wide range of products that contain mercury. While much of the bill applies to manufacturers, other provisions apply broadly to individuals, companies, municipalities, state agencies, and other government entities.

The bill requires manufacturers to notify the Department of Environmental Protection (DEP) commissioner of their products' mercury content and imposes other notice requirements. It restricts the sale and use of a wide range of mercury-added products, phasing down their maximum allowable mercury content. It has specific provisions regarding fluorescent lamps, thermometers, dental amalgam, and other products. It bars the use of elemental mercury in schools.

The bill requires mercury-added products and their packaging to be labeled as to their mercury content. It restricts the disposal of mercury-added products.

The bill requires manufacturers of mercury-added products to develop and implement plans for their collection and recycling and report to DEP on the system's effectiveness. These requirements do not apply to products such as cosmetics, pharmaceuticals, reagents, and other laboratory chemicals meant to be totally consumed during use. The

commissioner must review state regulations on the handling of mercury wastes and may, if necessary, amend them to facilitate collection.

Mercury-added products manufactured before July 1, 2001 are exempt from the bill's sales restrictions, mercury content standards, labeling, collection, and disposal provisions.

The bill allows the DEP commissioner to implement an education, outreach and assistance program for households and affected parties. It allows the commissioner to participate in a regional clearinghouse to implement the bill. It requires him, in consultation with a regional organization, to review the bill's effectiveness and to report by July 1, 2005 to the governor and legislature.

The bill requires the Department of Administrative Services (DAS) to revise its purchasing policies to minimize the amount of mercury contained in products bought by the state. It allows DAS to give a price preference of up to 10% for low-mercury products. It requires all state contracts for employee dental insurance negotiated after July 1, 2001 to provide equal coverage for mercury-free fillings at no additional cost to the employee.

EFFECTIVE DATE: July 1, 2001

#### **MANUFACTURERS' NOTICE TO DEP**

Under the bill, starting January 1, 2002, manufacturers must provide information to DEP regarding their mercury-added products before offering them for sale or use or distributing them for promotional reasons. Manufacturers include importers and distributors of foreign-made products. Mercury-added products are products, product components, commodities, or chemicals to which mercury has been intentionally added other than packaging, which is covered by an existing law. With the commissioner's approval, a manufacturer can provide information on a product category rather than an individual product.

The notice must include:



1. the manufacturer's name and address and the name, address, and phone number of its contact person;
2. a brief description of the product or product line;
3. the purpose for mercury in each of the product's components; and
4. the product's mercury content.

The mercury content must be identified within the following ranges: less than 5 milligrams (thousandths of a gram), 5 to 10 milligrams, 10 to 50 milligrams, 50 to 100 milligrams, 100 to 1,000 milligrams, or more than 1,000 milligrams. The manufacturer must revise this information when there is a significant change or at DEP's request.

State law on trade secrets applies to public disclosure of information submitted to DEP under the bill. But, DEP may provide an interstate clearinghouse discussed below with this information. DEP and the clearinghouse may provide analyses or summaries of the protected information, so long as they do not identify manufacturers or reveal confidential information.

#### **NOTICE REQUIREMENTS – PRODUCTS USED IN HEALTH CARE FACILITIES**

Starting July 1, 2002, manufacturers of formulated products that contain mercury-added products or components that are offered for sale, use, or distribution in health care facilities must provide the facilities with a certificate of analysis. Formulated products include such things as laboratory chemicals, cleaning material, cosmetics, drugs, and a wide range of industrial products. The analysis must document the range of the product's mercury content. The techniques used in the analysis must be capable of detecting mercury in parts per billion. The manufacturer must implement a plan to assure that the certificate accurately reflects the product's mercury content, including at least an annual analysis of the product.

#### **SALES RESTRICTIONS ON MERCURY-ADDED PRODUCTS-GENERAL PROVISIONS**

***Phase-Down of Allowable Mercury Content***

Starting July 1, 2003, the bill bars anyone from offering for sale or use, or distributing for promotional purposes, mercury-added products with mercury contents above the levels specified by the bill. As of this date, the standard is one gram for fabricated products, such as lamps, switches, and measuring devices, and 250 parts per million (ppm) for formulated products. Starting July 1, 2005, the standard falls to 0.1 gram for fabricated products and 50 ppm for formulated products. Starting July 1, 2007, the standard falls to 0.01 gram for fabricated products and 10 ppm for formulated products. The standard applies separately to individual components.

***Exemptions***

The commissioner must exempt products from these limits if the level of mercury or its compounds is needed to comply with state or federal health or safety requirements. The manufacturer must provide the commissioner with the justification for such an exemption.

A manufacturer can seek an exemption for up to two years for a product or product category. For existing products and categories, the manufacturer must apply for an exemption at least one year before the relevant standard goes into effect. For new products and categories, the manufacturer must apply before selling or using the product or distributing it for promotional purposes.

The application must (1) document the basis for the request; (2) describe how the manufacturer will ensure that there is a system for properly collecting, transporting, and processing the products at the end of their useful lives; and (3) document that the parties in such a system are capable of doing their jobs.

Before issuing an exemption, the manufacturer must provide a public notice of the request, publish a newspaper notice, and send the commissioner a copy of the notice. The commissioner must provide a comment period of at least 30 days.

The commissioner can grant an exemption for a product or product category if he finds (1) a system exists for the proper collection and

processing of the product, including specified components; (2) use of the product benefits the environment, protects public health, or protects public safety; (3) there is no technically feasible alternative to using mercury; and (4) there is no comparable mercury-free product available at a reasonable cost. The commissioner may consult with other states, Canadian provinces, and regional organizations before granting the exemption.

The commissioner may renew an exemption for up to two years, if the manufacturer applies and the commissioner finds that it: (1) meets and has complied with all of the criteria for the original exemption and (2) has shown that it has made reasonable efforts to remove mercury from the product.

## **RESTRICTIONS ON SPECIFIC PRODUCTS**

### ***Fluorescent Lamps***

The bill exempts fluorescent lamps from mercury limits until June 30, 2008. Starting July 1, 2009, lamps cannot be offered for sale or use or distributed for promotional purposes if their mercury content (1) exceeds 0.01 grams or (2) does not comply with the exemption requirements in section 6(a) of the bill (although this subsection does not address exemptions). Implicitly, the 0.01 gram standard goes into effect July 1, 2008.

### ***Novelties***

The bill bans anyone, as of July 1, 2002, from offering for sale or use, or distributing for promotional purposes, mercury-added novelties. These are products intended mainly for personal or household enjoyment or for adornment such as toys, games, ornaments, holiday decorations, apparel, jewelry, and figurines and yard statues. But the fact that a product contains a button battery does not in itself make it a novelty banned by the bill. Novelty manufacturers must notify retailers that sell their products of the ban and inform them how to properly dispose of their products.

### ***Thermometers***

The bill bans anyone, as of January 1, 2002, from offering for sale or use, or the distributing for promotional purposes, mercury fever thermometers, except under a doctor's prescription. Thermometer manufacturers must give the buyer or recipient a notice of the thermometer's mercury content, instructions on the safe handling of thermometers, and proper cleanup if a thermometer breaks.

### ***Dental Amalgam***

As of July 1, 2002, the bill allows a dental training program to use mercury amalgam only if it has developed and implemented a plan approved by the DEP commissioner. The plan must assure that best management practices are used to (1) prevent mercury discharges into the state's waters and sewage and septic systems and (2) that waste amalgam or mercury is properly handled and recycled or disposed of. The plan must provide for an educational program for students on mercury hazards and best management practices. The bill's apparent intent is to exempt dental education and training schools from its other provisions.

### ***Elemental Mercury***

Starting July 1, 2002, the bill bars public and certain private schools from using, buying, or maintaining bulk elemental mercury or mercury compounds. Their manufacturers must notify the schools about this provision and tell them how to properly dispose of their inventory. The DEP commissioner, in consultation with the education commissioner, must examine the feasibility of implementing a collection program for such products and implement it within available appropriations. The provisions do not apply to other mercury-added products.

The bill bars anyone from offering for sale, use, or promotional purposes elemental mercury without providing the Material Safety Data Sheet prescribed under federal law. Starting July 1, 2002, the seller, distributor, or provider must require the buyer to sign a statement that he (1) will only use the mercury for medical, dental amalgam, disposal cap, research, or manufacturing purposes; (2) understands that mercury is toxic and will store it safely; and (3) will not dispose of the mercury improperly.

***Dairy Manometers***

The bill bans, as of July 1, 2002, anyone from offering for sale or use, or distributing for promotional purposes, mercury dairy manometers (devices that measure the pressure on milking lines). Manufacturers must notify retailers about the ban and how to properly dispose of the manometers. The DEP commissioner, in consultation with the agriculture commissioner, must examine the feasibility of implementing a collection and replacement program for these devices, and implement it within available resources.

**LABELING*****General Requirements***

As of July 1, 2003, mercury-added products cannot be offered for sale or use or distributed for promotional purposes unless they comply with the bill's labeling standards.

If a product contains one or more components, the limits apply to each component, rather than the entire product. The label on the product must identify the mercury-added component so that it may be removed.

Labels must be clearly visible before the sale and designed to last for the product's life. They must inform the buyer that mercury is present in the product and that it should not be disposed of until the mercury is removed and recycled or otherwise managed to ensure that it is not (1) mixed with other solid waste, (2) disposed of in a pollution abatement facility or septic system, or (3) discharged to the state's waters.

Starting July 1, 2003, anyone offering a mercury-added product for sale, use, or distribution must clearly advise the buyer in writing that the product contains mercury. This requirement applies to all transactions in which the buyer cannot see the package label or product before purchasing it. Examples of such transactions are catalog, telephone, and online sales.

***Specific Products***

The manufacturer is generally responsible for meeting these requirements. But (1) in the case of large appliances displayed in stores, no package labeling is required; (2) no product labeling is required for mercury thermometers; (3) vehicle manufacturers can place a label on the vehicle door identifying the vehicle's mercury-added components rather than labeling them individually; (4) manufacturers of dental amalgam must comply with the best management practices developed by the commissioner rather than meeting the labeling requirements; (5) button batteries are not subject to the labeling requirements nor are products whose only mercury component is such batteries; and (6) manufacturers of over-the-counter medicines regulated by the Food and Drug Administration are also exempt from the requirements.

A wholesaler or retailer can assume responsibility for meeting the labeling requirements by following the alternative compliance procedures described below.

***Alternative Compliance***

A manufacturer can apply to the commissioner for an alternative way of meeting the labeling standards if (1) compliance with them is unfeasible or (2) the proposed alternative would be as effective in providing presale notification and instructions on proper disposal.

The manufacturer must document the justification for the alternative and the affected parties' capability to implement it. It must describe (1) how the alternative ensures that buyers are aware of the product's mercury content before the purchase, (2) how the person discarding the product will learn how to properly dispose of it, and (3) the performance measures the manufacturer will use to demonstrate that the alternative is providing effective notice.

The commissioner can approve or otherwise act on the application. He must consult with other states, Canadian provinces, and regional organizations before granting an approval to avoid conflicts. An approval is valid for up to two years but the commissioner can revoke it for cause. It may be renewed if the above criteria are still being met

and the manufacturer complies with the conditions under which it was approved. Requests for renewal must be submitted at least 90 days before the approval expires.

Before the commissioner can issue an exemption, the manufacturer must give public notice of the exemption request, publish a newspaper notice, and send the commissioner a copy of the notice. The commissioner must allow a comment period of at least 30 days.

## **DISPOSAL**

The bill bars, starting July 1, 2003, the knowing (1) disposal of mercury-added products or components other than by recycling or disposal in accordance with relevant state and federal law, and (2) discharging, except in compliance with all applicable laws, mercury into the state's waters, a pollution abatement facility, or septic system.

Solid waste facilities must (1) post notices of the prohibition on disposing or incinerating mercury-added products; (2) give written notice of the prohibition in contracts or to the municipalities the facility serves, as often as the commissioner requires; and (3) implement a DEP-approved plan to monitor incoming waste to detect such products. A facility does not violate these provisions if it unknowingly receives a mercury-added product or component.

Solid waste facilities and related businesses must remove these products (other than lamps used for back lighting and displays) before crushing or shredding them or processing them for disposal or reuse.

The provisions do not apply to cosmetic or pharmaceutical products subject FDA regulation.

## **COLLECTION SYSTEM**

### ***Plan***

Starting two years after DEP adopts a universal waste rule under federal law, the bill prohibits offering any mercury-added products for sale or use unless their manufacturers have a DEP-approved plan for their collection. (The universal waste rule covers lamps and various

other specific products.) The manufacturer can develop the plan on its own or with others. The commissioner must encourage manufacturers, in developing their plans, to use or expand existing collection and recycling mechanisms where feasible and cost-effective. If a manufacturer chooses not to use these mechanisms, the plan must include the reasons why.

### ***Implementation***

The manufacturer or entity submitting the plan on its behalf must implement it within one year of the commissioner's approval of the plan. If the product is a component of another product, the system must provide for the removal and collection of the mercury-added component or the collection of the component and the product containing it.

The collection system must include:

1. an educational component to inform the public about the program's purpose and how to participate in it,
2. a targeted capture rate for components or products,
3. an implementation and financing plan,
4. documentation of the willingness of all of the systems' participants to implement the system,
5. a description of the measures the manufacturer will use and report to demonstrate that the system meets the capture rate and other performance indicators specified by the commissioner,
6. a description of additional or alternative measures that will be used if the program targets are not met, and
7. a recycling or disposal plan.

The manufacturer must pay the costs of the system.

### ***Report***



Two years after the manufacturer implements the plan, and every two years thereafter, the manufacturer or entity that submitted the plan must report to the commissioner on its effectiveness. The report must estimate the amount of mercury collected, the capture rate, the results of other performance measures included in the plan, and other information the commissioner requires. The commissioner must make the reports available to the public.

### **PUBLIC EDUCATION PROGRAM**

The bill allows the commissioner, in consultation with other agencies, to develop a comprehensive education, outreach, and assistance program. The audience for this program is businesses (including manufacturers, waste generators, and others), solid waste management agencies and related entities, institutions, households, and other interested groups. The program may focus on (1) the hazards of mercury; (2) the responsibilities of businesses, institutions, and individuals under the bill; and (3) voluntary efforts they can undertake to help the environment.

The commissioner, in conjunction with manufacturers and other affected businesses, may promote the program's development and implementation. He may develop an awards program to recognize the accomplishments of entities that exceed the bill's requirements and excel at reducing or eliminating mercury emissions or releases.

The commissioner must publish guidelines, which are not regulations, for best management practices for dental offices and laboratories.

### **REGIONAL CLEARINGHOUSE**

The bill allows the commissioner to participate in a regional clearinghouse to help implement the bill and to coordinate various specific tasks it mandates. The clearinghouse may also maintain a list of all products containing mercury, a file on all exemptions granted by the participating states, notification requirements by manufacturers, and a file of their reports on the effectiveness of their collection systems.

## REPORT

The bill requires the commissioner, in consultation with the New England Governors/Eastern Canadian Premiers Environment Committee, to review the effectiveness of the bill by July 1, 2005. The review must evaluate the effectiveness of the collection system described above and determine whether additional state authority or targeted capture rates are needed to improve the systems. He must evaluate the need for additional incentives for manufacturers of products with less than 10 milligrams to reduce their mercury content. He must report to the governor and legislature on the review, and his report may include recommendations for improving the programs.

## DAS PURCHASING

The bill requires DAS, by July 1, 2002, to revise its purchasing policies, rules, and procedures to give preference to products that are mercury-free, unless there are no economically feasible alternatives that perform a similar function or produce a product of similar quality. If mercury-free products are not available, DAS must give preference to products that contain the least amount of mercury needed for the required performance. The DAS commissioner must specify no- and low-mercury products, as applicable, in bid documents.

The bill allows the DAS commissioner to give a price preference of up to 10% for products that contain no or less mercury. This provision also applies to other state agencies using state funds. The bill also requires agencies to give preference to energy-efficient lamps. To the maximum extent practicable, the lamps must contain the lowest total mercury per lumen hour available. (A lumen is the measure of illumination.) The state must, to the maximum extent practicable, recycle spent lamps.

## BACKGROUND

### *Legislative History*

On April 27, May 4, and May 8, the House referred the original version of this bill (File 432) to the Planning and Development, Government Administration and Elections, and Public Health committees,

respectively. The committees reported the bill favorably on April 30, May 7, and May 9, respectively. On May 14, the House referred the bill to the Appropriations Committee. On May 17, this committee favorably reported its version (File 816), which requires the DEP commissioner, in consultation with the education commissioner, to implement a mercury collection program in schools. The original file copy required them to examine the feasibility of such a program and then implement it within available appropriations. On May 24, the House referred the bill to the Finance, Revenue and Bonding, which reported its version, provisions allowing the commissioner to adopt regulations to implement the bill and establish fees for manufacturers that cover the costs of administering the program, which deleted the bills on May 30. .

### **COMMITTEE ACTION**

#### Environment Committee

Joint Favorable Substitute

Yea 26      Nay 2

#### Planning and Development Committee

Joint Favorable Report

Yea 15      Nay 0

#### Government Administration and Elections Committee

Joint Favorable Report

Yea 17      Nay 0

#### Public Health Committee

Joint Favorable Report

Yea 23      Nay 0

#### Appropriations Committee

Joint Favorable Substitute

Yea 45      Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 37      Nay 1